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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 MARILEEN J. MCMAHON; PAUL W.
13 HIATT,

14 Defendants.

CASE NO. C10-5333BHS

ORDER


15 This matter comes before the Court on Defendant Paul Hiatt's motion for relief
16 from mediation (Dkt. 117), Defendant Marileen McMahon's motion for relief from
17 mediation (Dkt. 118), the Government's motion for relief from mediation (Dkt. 119), and
18 the Government's motion to vacate trial schedule and related pretrial deadlines (Dkt.
19 140).

20 First, all parties agree that the issues before the Court will not be solved via
21 mediation. The Government has forwarded a proposed settlement agreement to
22 Defendants (*see* Dkt. 119), which Defendants have objected to (*see* Dkts. 117 & 118).
23 The Court finds that alternative dispute resolution in this case would not be appropriate
24 and, therefore, the Court grants the parties' motions to exempt this case from mandatory
25 mediation.
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1 Second, the Government has moved to vacate the trial schedule arguing that the
2 pending summary judgment motion (Dkt. 106) and motion to partially strike jury demand
3 (Dkt. 115) would narrow the issues for trial and that resolution of these motions would
4 relieve the Court and the parties of unnecessary trial preparation. Defendants have also
5 requested that the trial date be stricken due to health issues and the difficulties of
6 proceeding pro se. The Court agrees with the parties and finds that good cause exists to
7 strike the current trial schedule in this matter. The Court will consider a new trial
8 schedule, if necessary, after ruling on the numerous motions filed by the parties.
9 Therefore, the Court grants the Government's motion and the Clerk is directed to strike
10 the trial schedule and trial date.

11 **IT IS SO ORDERED.**

12 DATED this 18th day of October, 2011.

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15 BENJAMIN H. SETTLE
16 United States District Judge
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